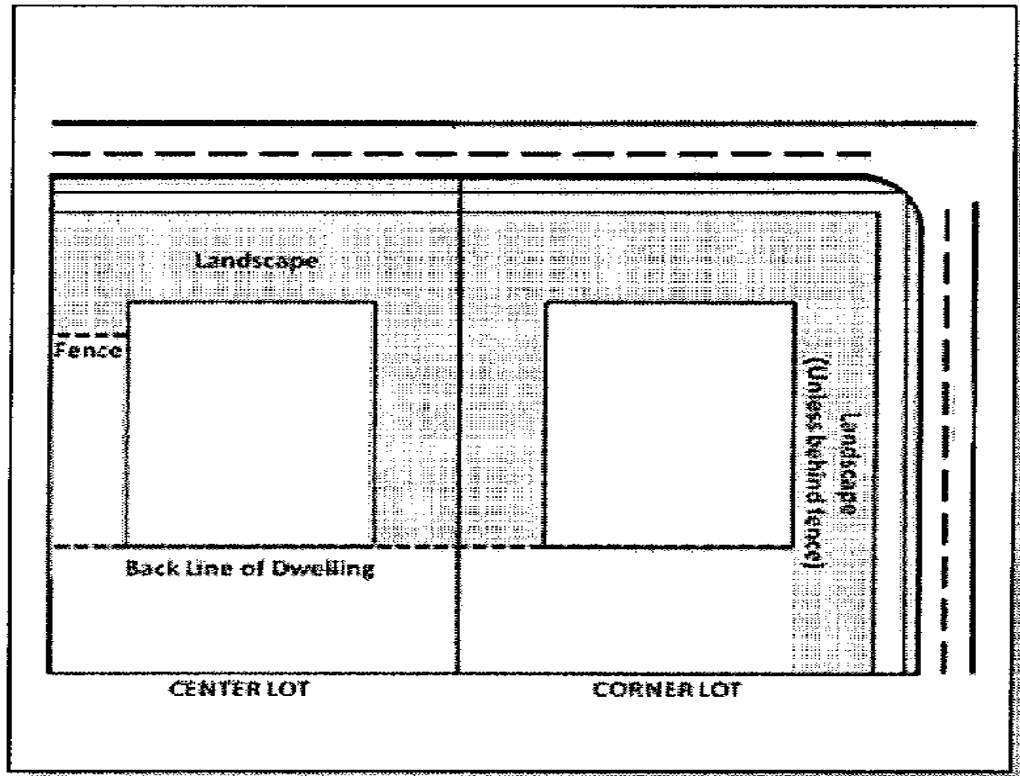


10-12-36: LANDSCAPING REQUIREMENTS; RESIDENTIAL AND COMMERCIAL:

- A. Purpose: The purpose of this chapter is to promote the health, safety, and general welfare of the public and to enhance the aesthetic features of the City; to protect property values, trap and filter dust and pollutants, reduce soil erosion, protect and conserve city water supplies, and to facilitate the orderly development of an attractive and harmonious community.
- B. Definitions as applied to this chapter:
1. Front Yard-a yard extending across the full width of the lot, between the front lot line and the front wall plane of the main building.
 2. Planter Strip-the area between the street and the sidewalk.
 3. Rear Yard-a yard extending across the full width of the lot, between the rear lot line and the rear wall plane of the main building.
 4. Side Yard-Corner Lot-a yard extending from the front lot line to the rear lot line, between the side lot line and the side wall plane of the main building.
 5. Side Yard-a yard extending from the side lot line to the side wall plane of the main building, and extending from the front wall plane to the rear wall plane of the building.
 6. Street Trees-Trees located in a planter strip.
 7. Xeriscape-Reduced water usage landscape achieved through the use of good planning and design, limited turf areas, soil improvements, efficient irrigation, mulching, low water use plants, and appropriate trees, shrubs, and ground cover. Failure of an owner to install and maintain landscaping within the front yard under the guise that the vegetation and bare ground that occur naturally on the site constitutes xeriscaping shall not qualify as conforming with the provisions of this section.



C. Single Family:

1. All single family residential lots shall have the front yard, side yard-corner lot, or side yard in front of a sight-obscuring fence, and park strips landscaped within one year of receiving a certificate of occupancy. The applicant shall be responsible for the landscaping.
2. Required landscaping may be comprised of grass with an irrigation system, trees, bushes, Xeriscape improvements, other manicured vegetative groundcover, or a combination of them.
 - a. Water is a precious commodity that should be protected and conserved. An irrigation system connected to the Elk Ridge City water system shall include the installation of a backflow prevention device (specifically a RPZ valve), a pressure-reducing valve (PRV), a rain or soil moisture sensor, low-loss heads and/or drip systems as applicable, and an automatic drain system.
3. In order to ensure landscaping requirements are met, Elk Ridge City shall require applicants to provide a deposit with the construction of new homes. The deposit amount is set and may be adjusted from time to time by the City Council. The deposit will be returned to the property owner when the required landscaping has been installed. In the event that the required landscaping has not been installed within three (3) years after the certificate of occupancy has been issued, the deposit is forfeited to the City.

D. Multiple-Family Dwellings, Planned Unit Developments, Senior Housing Overlay Zones, Hillside Cluster Overlay Zones, Hillside Residential 1 Zones, Critical Environmental Zones, and Commercial Zones:

1. Landscape materials shall be installed prior to the issuance of a certificate of occupancy.

2. A development with common areas shall have landscaping materials installed prior the issuance of the initial certificate of occupancy. If a development is to be completed in phases, the Elk Ridge City Council may, in advance, approve that the common area for just that phase be completed prior to issuance of certificate of occupancies. The same shall apply for each subsequent phase through out the project if the applicant chooses to do so and the city council approves each subsequent phase in like manner.
3. A cash bond of one-hundred twenty-five percent (125%) of the estimated landscaping costs of the common area(s) shall be posted prior to the recording whether the landscaped area is proposed to be in city ownership or in a private homeowners' association. Once the city building inspector inspects any irrigation systems connected to the city water system and verifies the landscaping work for all phases is completed, the cash bond is returned to cash bond holder.
4. Between Nov 1 and Mar 1 when weather conditions prohibit the completion of required landscaping or for a certain phase, an exception may be permitted and certificates of occupancy continue to be issued. However, if the landscaping is not completed by June 1 of the following year for that phase, no further certificates of occupancy will be issued until said landscaping is completed.
5. A landscaping plan shall be designed, drawn, and certified by a licensed landscape architect and submitted to the Elk Ridge City Planning Commission for their approval. The plan shall show street trees, planting materials, irrigation, water runoff controls and containment, structural features, playgrounds, sport fields, building locations, and hard surfaces (streets, driveways, sidewalks, trails, etc.). It shall also show grading with contours and spot elevations before construction and anticipated contours and elevations after completion.

E. Zones with Animal Rights:

1. Properties within zones that have animal rights may use the property for raising of livestock and for other agriculture uses. This may include the use of corrals, pastures, coops, barns, barnyards, feed storage, and the like.
2. Corrals and pasture are permitted in the front yard except corrals and pasture are not allowed in the planter strip area. Approval by the Elk Ridge City Planning Commission is required for corrals or pasture in the front yard. Coops, barns, barnyards, feed storage, hay bales, loading chutes, water storage tanks, and the like, shall not be located in the front yard. Corrals, pastures, coops, barns, barnyards, feed storage, hay bales, loading chutes, water storage tanks, and the like, located in the front yard and existed prior to the effective date of this paragraph, shall be grandfathered.
3. Weed control must be maintained in corral, pasture, coop, barn, and barnyard areas. Noxious weeds and native grasses shall be kept less than four inches (4") tall within thirty feet (30') of a structure. Noxious weeds shall be kept less than twelve inches (12") tall for all other areas

F. Deleted

G. Street Trees

Trees greatly enhance the aesthetic features of the City. Tree lined streets increase property values, reduce summer-time temperatures, extend pavement life, improve air quality, protect from solar glare, reduce UV rays, reduce storm water run-off, and reduce noise. The aesthetics of tree lined streets and green spaces are shown to have positive psychological benefits including lower rates of blood pressure and lower levels of stress. To promote these benefits the city has adopted a tree lined street ordinance.

1. For new construction and new developments each lot shall have two (2) trees in a planter strip. If the lot is a corner lot, there shall be two (2) additional trees in the planter-strip of the side yard for a total of four (4) trees on corner lots. The required sight distance at intersections shall be maintained in accordance with section 10-12-9 of this chapter.
2. Single Family New Construction-Street trees will have a trunk caliper of one and one-half inches (1 1/2"). The applicant shall be responsible for the installation of the required street trees.
3. Multiple-Family Dwellings, Planned Unit Developments, Senior Housing Overlay Zones, Hillside Cluster Overlay Zones, Hillside Residential 1 Zones, Critical Environmental Zones, and Commercial Zones New Construction-Street trees will have a trunk caliper of two-inches (2"). The applicant shall be responsible for the installation of the required street trees.
4. The applicant shall provide the street trees with an adequate automatic watering system.
5. At the time a development is constructed each street should have the same type of tree planted along that street within the planter-strip. The type of tree should vary from one named street to the next. A variety of trees from street to street in a development discourages disease and is encouraged.
6. Lots with considerable frontage shall have a maximum tree spacing of fifty feet (50').
7. The following trees are approved to be planted within the planter strip area between the sidewalk and the street: norway maple, honey locust, summit ash, little leaf linden, green spire linden, autumn purple ash, or others as approved by the City Tree Committee.

Ord. 08-15.6, 10-28-2008, eff. 11-28-2008)

H. Deleted

I. Deleted

J. Landscape Maintenance:

1. Landscaped areas shall be maintained in a neat, clean, and orderly condition. This in meant to include proper pruning, lawn mowing, weeding, removing of litter, fertilizing, replacing of dead plants, and regular watering of all landscaped areas.
2. Maintenance of street trees in the planter strip shall be performed by the adjacent property owner.
3. Newly developed landscaped areas shall be maintained with an automatic sprinkler system.
4. All landscaping and/or non-landscaped rear yards will be kept free from noxious weeds and other non-native volunteer plants that have the potential to spread, by either growth or seed, beyond the containing yard or common area. For fire safety, noxious weeds and native grasses shall be kept less than four inches (4") tall within thirty feet (30') of a structure. Noxious weeds shall be kept less than twelve inches (12") tall for all other areas and not allow to reseed.

K. Landscaping Hazards:

Landscaping shall be maintained to prevent property damage to sidewalks, roads, trails, or other public improvements and to avoid public safety hazards. This may include the removal/replacement of dead or decaying plant material, removal of low hanging branches obstructing sidewalks and traffic-sight distance requirements. In the event a tree, shrub, or other plant causes damage to streets, sidewalks, trails, or other public improvements, the city may order the removal of the offending vegetation and/or other landscape features and may require the repair or replacement of the damaged city property at the landowner's expense. (Ord. 08-15.6, 10-28-2008, eff. 11-28-2008)